

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON WIMBERLY,

Plaintiff,

20-cv-1870 (JGK)

- against -

ORDER

AUTOMOTIVEMASTERMIND INC. ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The plaintiff has moved to alter or vacate the Court's judgment pursuant to Rules 59(e) and 60(b) of the Federal Rules of Civil Procedure. The plaintiff seeks to have the Court reconsider the dismissal of any counts that were dismissed with prejudice. According to the Second Circuit Court of Appeals, "[g]enerally, leave to amend should be freely given, and a pro se litigant in particular should be afforded every reasonable opportunity to demonstrate that he has a valid claim." Matima v. Celli, 228 F.3d 68, 81 (2d Cir. 2000) (internal quotation marks and citation omitted). "A pro se complaint should not be dismissed without the Court granting leave to amend at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated." Chavis v. Chappius, 618 F.3d 162, 170 (2d Cir. 2010) (internal brackets and quotation marks omitted). Therefore, the Court's dismissing any claims with prejudice is amended to be a

dismissal without prejudice. The plaintiff may reassert any claims in his amended complaint that can be asserted in good faith, having considered all of the reasoning in this Court's prior opinion. The time to file the amended complaint is extended to March 23, 2021. The defendants may answer or move to dismiss the amended complaint by April 23, 2021. The plaintiff may reply by May 7, 2021.

The plaintiff also filed a motion to seal or redact his motion in ECF No. 49. The plaintiff should submit a proposed redacted copy of the paper and the unredacted copy to the Court directly, indicating the portions that he seeks to have redacted from the publicly filed ECF copy.

The Clerk is directed to close Docket Nos. 48 and 49.

The Clerk is directed to mail a copy of this order to the pro se plaintiff.

SO ORDERED.

**Dated: New York, New York
February 24, 2021**

**/s/ John G. Koeltl
John G. Koeltl
United States District Judge**